

---

## APPENDIX B

---

### Comment Analysis of Scoping Comments

#### Paint Creek Project

Five commenters responded during the Paint Creek Project's scoping period starting March 11, 2013. Their comments were analyzed by the North Zone Interdisciplinary Team on June 13, 2013 and an analysis code assigned to each concern (see Table B1). The original comments are available in the Project Record.

#### Comment Analysis Codes

1. Outside the scope of the proposed action.
2. Already decided by law, regulation, Forest Plan, or other higher level of decision.
3. Irrelevant to the decision to be made.
4. Conjectural and not supported by scientific evidence.
5. General comment, suggestions, opinion, or position statement.
6. Other agency or partner's consultation, review, advice, recommendations, etc.
7. Already considered in the proposed action [Note: TAP is the Travel Analysis Plan].
8. Standard procedure.
9. Develop an alternative dedicated to ecological restoration.
10. Monitoring and adaptive management.
11. Devil's Kitchen Branch.
12. Exceed Forest Plan targets for ESH in Prescription 8.C.
13. Restore Cutshall Bog.

Codes 1-6 are standard codes. Comments assigned to these codes are considered to be non-significant issues. Codes 7 and 8 were added as a category for those suggestions that are already proposed or for procedures that are routinely done, respectively. Codes 9-13 were derived from comments specific to this project and warrant further discussion to decide on significance.

#### **PC 9. Develop an alternative dedicated to ecological restoration**

The commenter urged the CNF to develop an alternative dedicated to ecological restoration, in which the creation of ESH [early-successional forest habitat] is a secondary benefit of restoration management.

**Response:** The creation of early successional forest (habitat), as proposed in the Paint Creek Project, would have multiple primary and secondary benefits, including but not limited to restoring forest and wetland communities; providing early successional forest habitat for wildlife, including federally listed species, sensitive species, "demand" species, etc, that utilize this habitat type; promoting habitat/age class/structural diversity within the project area to increase plant and animal species diversity and to enhance recreational opportunities (e.g. nature/wildlife/wildflower viewing, driving for pleasure, hunting, etc); creating waterholes to provide habitat for amphibians, crustaceans, and aquatic-dependent insects; treating/controlling non-native invasive species in the proposed treatment areas, improving habitat for native flora;

improving Forest Service system roads, via pre-haul road maintenance, to reduce erosion and sedimentation; providing wood products for local needs; and providing jobs and payments to local and federal governments.

#### **PC 10. Monitoring and adaptive management**

The commenters state that “...we hope that the Draft EA will contain a discussion of how this project will be monitored and how adaptive management will be used in latter phases of this project or subsequent projects. As the FSM explains, “[a]daptive management, monitoring, and evaluation are *essential* to ecological restoration.” In other words, monitoring and adaptive management commitments *must* be described along with the alternative(s).”

**Response:** Monitoring and adaptive management will be an integral part of the proposed Paint Creek Project. The monitoring protocols for the Paint Creek project, however, are currently being developed, so there is no specific monitoring plan available at this time. The process that is being developed would collect baseline data prior to implementation in order to assess restoration goals. Activities would be monitored post-treatment to determine if restoration goals were being met. Management actions would be evaluated based upon their success of achieving the restoration goal(s). Results would then be utilized to change or modify management activities in order to improve restoration success within the Paint Creek area and for future projects on the Cherokee National Forest.

#### **PC 11. Devil’s Kitchen Branch**

The commenters state: “We would be disappointed to see the CNF pass over necessary, uncontroversial restoration [of white pine plantations at Devil’s Kitchen Branch and low-diversity, poplar-dominated stands] in this project merely because funding is uncertain. Commercial or not, everyone seems to agree these areas (especially the pine plantations) are in the greatest need of restoration, and the Forest Plan specifically directs these types of restoration.”

**Response:** We agree with the need for treating the white pine plantations in the “Devils Kitchen Branch” area. However, as the commenters point out, it wasn’t considered economically feasible at the time of project development. While this still holds true, the IDT felt that it would be prudent to have the action available ‘on the shelf’ if/when funding does become available in the near future. Therefore, treatment of the white pine plantations in the “Devils Kitchen Branch” area will be added to alternative(s) to the Proposed Action.

#### **PC 12. Exceed Forest Plan targets for ESH in Prescription 8.C**

Commenters state that “Under the Forest Plan, ESH [early-successional forest habitat] caused by natural disturbances should be counted toward ESH objectives, so long as they occur in patches greater than 2 acres in size. We understand that wildfire has created ESH in the Paint Creek watershed and that this ESH was identified in a GIS layer by the Forest Service. Counting [the 179.3 acres of regeneration from fire in 8.C], it appears that the project would create about 526.3 acres of ESH in the 8.C prescription, or about 110 acres more than the Plan allows...[this results in] 10.1% of the suitable acreage within [the 8.C] management area...a number out of compliance with the 8% maximum set out by the Cherokee NF RLRMP...we suggest that the CNF drop or modify the treatments for those excess acres. To begin with, the CNF should drop the regeneration harvests in the characteristic, mature forest on Meadow Ridge

(Compartment 218, Stand 10 and a portion of Compartment 217, Stand 31) and in the coves and higher along ridge of Ricker Mountain (Compartment 214, Stand 15).”

**Response:** The 347 acres of proposed ESH creation in the 8.C prescription would result in 6.7% of the suitable National Forest System lands in the prescription being in the 0-10 age class. (There are approximately 5,206 suitable acres in the 8.C prescription in the project area.) As stated by the commenters, the upper limit for ESH in this prescription is 8%. GIS data shows the 179 acres of regeneration in 8.C occurs in both suitable and unsuitable NFS lands.

**Note:** The 179 acres of ESH was created through prescribed burning, and not by wildfire as reported by the commenters. According to CNF GIS data, there have been seven wildfires, including those on private lands, totaling approximately 65 acres within the Paint Creek Analysis Area between 2004 – 2012.

Of the 179 total acres, 79 acres of the prescribed burn-created ESH occurs on suitable NFS land in the 8.C prescription. This would bring the total ESH (proposed plus burn-created) in 8.C to 426 acres or 8.2% of the prescription being in the 0-10 age class. Of the 79 acres, 67 acres are, as of 2013, nine years old. The Paint Creek Project, if approved in 2014, would be implemented in 2015 and the 67 acres would no longer qualify as ESH. This would reduce the total ESH (proposed plus burn-created) in 8.C to 359 acres or 6.9% of the prescription.

Looking at all of the project area’s NFS lands in the 8.C prescription, both suitable and unsuitable, the 347 acres of proposed ESH would result in 5.2% of the prescription being in the 0-10 age class. (Due to a mapping error, the scoping letter reports 6,155 total acres of 8.C in the project area. The actual total should have been reported as 6,982 acres of 8.C.) Adding the 179 acres of regeneration in 8.C would bring the total ESH to 526 acres or 7.5% of the prescription being in the 0-10 age class.

### **PC 13. Restore Cutshall Bog**

The commenter states: “Several TNC [The Nature Conservancy] staff have visited Cutshall Bog and discussed the possibilities for restoring the bog to a more natural condition. The best option would be removal or relocation of the road through the bog.”

**Response:** We agree with the necessity to move the road (FSR 93) out of the Cutshall Bog rare community in order to restore the bog to ‘a more natural condition’. However, the section of road that passes through the bog would have to be replaced (i.e. relocated) to provide access into the Devils Kitchen area. Restoration in the Cutshall Bog rare community, including relocating FSR 93 out of the bog, will be included in alternative(s) to the Proposed Action.

Table B: Paint Creek Project Comment Analysis

Commenter	Comment	Disposition
Rick Bowers	Supports the creation of early sucssional habitat	PC5
Davis Mounger (TN Chapter of Sierra Club)	Parts of [the Paint Creek] analysis area, such as in the Meadow Ridge and Bellcow Mountain areas, have numerous stands that seem to suffer the effects of low soil fertility, probably attributable to past land use.	PC5
	...we are concerned that older stands that are 90-110 years of age such as those listed for logging for Early Successional Habitat will be logged. With little old growth or near old-growth stands, it would be better to allow these stands to continue to mature.	PC5
	Logging with the accompanying herbicide treatments for Imazapyr and Glyphosate would continue to inflict damage on the soil and hydrological quality of an area greatly in need of recovery.	PC4, PC5
	Considering that over a third of [the Paint Creek] analysis area is managed as a Black Bear Habitat Management area, it is important the ( <i>sic</i> ) there be substantial portions that have or are developing the three-dimensional characteristics that are typical of older forest communities.	PC3, PC5
	There are quite a few feed plots in this analysis area that perform some functions of early seral habitat, although they lack the biodiversity that is normally associated with open habitat in a forest setting... if these feed plots are to be maintained that this district consider using some of them as sites to promote native forbs and grasses that are site appropriate.	PC1
	If logging is to occur in the stands listed for early successional habitat, we request that the Forest Service make note of any small communities that provide added biodiversity and not log them. For example, in compartment 214, we saw a small 3-4 acre mixture of chestnut oak, pitch pine, and table mountain pine on a mid-slope, an association that while hardly rare, is nonetheless not particularly common.	PC2, PC5
	We are concerned about the repeated herbicide treatments of Imazapyr and Glyphosate that are planned for Pre- and Post-harvest.	PC5
	We also question the purpose of midstory removal... Removing midstory has the potential to perpetuate an even-aged stand character that the agency is otherwise trying to move away from.	PC5
	We approve of work to improve wildlife habitat...placing roost boxes and small mammal nest boxes, as well as constructing waterholes, vernal ponds, or wetlands, and to provide ruffed grouse drumming logs. We suggest that many of these goals can be aided greatly by maintaining later seral age class trees, snags, and course woody debris.	PC5

Commenter	Comment	Disposition
Davis Mounger (TN Chapter of Sierra Club)	Forest Service directives such as the Roads Rule of 2001 recognize the need to curb runaway road proliferation and to better serve and maintain its core inventory.	PC2, PC5, PC7 (TAP), PC8
	We are concerned that some of the roads in this analysis area are under stress...Downgrading some secondary roads such as this one [FR 422A] to trails or even decommissioning would relieve...ecological and budgetary stress. At minimum, the uninventoried spur roads that extend well past the terminus of these secondary roads need to come under control, and if possible, be revegetated.	PC2, PC5, PC7 (TAP), PC8
	While we approve of the...3.71 miles of roads...slated to be decommissioned, including 422 and 422-B, as well as the roads listed as “Old Roads”, we are concerned that 8.31 miles of “Old Roads” (Table 11: Roads to be Authorized) will be added to the inventory will actually increase the total road volume that will have to be maintained. We request that the district provide a map of the location of these roads and a justification for their addition to the roads inventory in its analysis.	PC2, PC5, PC7 (TAP), PC8
	We request that the district carefully examine its proposal for 1,955 acres of burning. The proposal states that individual burn blocks may be reburned on a two to ten-year rotation. The possibility of such a frequent fire regime is excessive.	PC4, PC5
	We are concerned that the high budget allocations given to fire management in the agency encourages a fire emphasis that is beyond a natural occurrence and can even be detrimental to forest health.	PC1, PC3
	We request that the Forest Service identify the more meso-phytic stands within the scheduled burn areas. If burning is to occur, those areas should not be burned. Even in the more xeric sites, we consider the frequency that is being proposed to be excessive and counterproductive.	PC5
	The Forest Service also needs to evaluate in the EA the effects of burning during different seasons on herbaceous vegetation, differential effects on woody species selection, and invasive species proliferation. The effects may be quite different in terms of promoting desirable target species or degrading non-target species.	PC5
	Logging and burning of areas...where CWD [Coarse Woody Debris] is forming is counter-productive to the benefits above [see TN Chapter of Sierra Club comments letter of 5/23/2013, pp 8 and 9]. To do so sterilizes the forest in a manner that disrupts the myriad processes and cycles that...a recovering forest is gradually developing. Allowing natural processes to be the primary driver of forest health is advisable from an ecological and budgetary standpoint.	PC5

Commenter	Comment	Disposition
Southern Environmental Law Center et al <sup>1</sup>	...the Draft EA should acknowledge the need for ecological restoration within the Paint Creek watershed and explicitly affirm that the purpose of the project, or at least one of its purposes, is ecological restoration.	PC5
	The Draft EA should...explain whether proposed treatments are located for restoration or for some other purpose.	PC5
	The Draft EA for Paint Creek should...describe how the proposed treatments will address restoration needs.	PC2, PC5, PC7
	...we urge the CNF to develop an alternative dedicated to ecological restoration, in which the creation of ESH is a secondary benefit of restoration management.	PC9
	...monitoring and adaptive management commitments <i>must</i> be described along with the alternative(s).	PC10
	We would be disappointed to see the CNF pass over necessary, uncontroversial restoration [of white pine plantations at Devil's Kitchen Branch and low-diversity, poplar-dominated stands] in this project merely because funding is uncertain... The EA should include these treatments...	PC11
	...we are concerned that the proposal would exceed the Forest Plan targets for ESH [Early Successional Habitat] in Prescription 8.C... We understand that wildfire has created ESH in the Paint Creek watershed and that this ESH was identified in a GIS layer by the Forest Service. Counting this existing ESH, it appears that the project would create about 526.3 acres of ESH in the 8.C prescription, or about 110 acres more than the Plan allows. Consequently, we suggest that the CNF drop or modify the treatments for those excess acres. To begin with, the CNF should drop the regeneration harvests in the characteristic, mature forest on Meadow Ridge (Compartment 218, Stand 10 and a portion of Compartment 217, Stand 31) and in the coves and higher along ridge of Ricker Mountain (Compartment 214, Stand 15).	PC12
	While [the Paint Creek TAP] is an improvement from previous TAPs, it still fails to address adequately the risks of roads. The TAP provides a general discussion of risk factors, but, with a few exceptions, does not relate those risk factors to specific roads.	PC1
	...the Paint Creek TAP does not appear to evaluate the environmental risk of unauthorized roads, but it does show "benefits" of several unauthorized roads and recommends adding them to the system without analyzing the relative weight of risk and benefit.	PC1
	Furthermore, the TAP does not address the economic feasibility of authorizing new roads in the watershed.	PC1

Commenter	Comment	Disposition
Southern Environmental Law Center et al <sup>1</sup>	To find the required environmentally and economically sustainable road system, the CNF should weigh the importance of the roads against their risks and maintenance needs. In order to comply with the travel management rule, that analysis should explain how the CNF weighed the relevant factors in determining whether to decommission, downgrade, upgrade, or authorize each road.	PC1
Josh Kelly (Western North Carolina Alliance)	There is substantial overlap in the recommendations of the Paint Creek Watershed Team and the I.D. team as far as areas to be treated and the basic types of treatments to be accomplished. One major difference is the lack of the restoration of white pine plantations back to natural forest that the Watershed Team proposed at Ricker Mountain and especially at Devil's Kitchen Branch.	PC11
	There are small, but significant differences between the recommendations of the Watershed Team and the project scoping in the boundaries of stands to be treated. The best example of this is at Ricker Mountain. The Watershed Team proposal excluded areas of steep slopes, rock outcrops, and old-growth pitch pines and oaks from its treatment boundary, while these are included in the mapped boundaries that the Forest Service uses. I suggest clarifying, either in writing, or on a map, the boundaries to be treated at Ricker Mountain.	PC8
	...include a <i>brief</i> description of the current condition, desired condition, and specific prescription of each stand, including desired leave species and species for removal...to explain to the public what is to be done in each stand and why it will be beneficial.	PC5
	...Cherokee National Forest did not [consider] the amount of early successional habitat (ESH) in the Paint Creek Watershed that is resultant from prescribed fire and wildfire. [Doing so results in] 10.1% of the suitable acreage within [the 8.C] management area [being treated to create ESH], a number out of compliance with the 8% maximum set out by the Cherokee NF RLRMP...My suggestion is that 110 acres of regeneration be removed from the project to keep it in compliance with plan standards, either by dropping stands from consideration, or by converting some stands to a treatment type that does not regenerate them.	PC12
Katherine Medlock (The Nature Conservancy)	I encourage [the Forest Service] to consider drawing attention to the idea that the landscape is in need of restoration activities and that the work you are doing is largely designed to address those needs.	PC5
	I do hope that the future condition described by the committee will be the goal whenever possible and that the Forest Service will be willing to attempt to reach that goal by whatever treatment means that are most effective.	PC5

Commenter	Comment	Disposition
Katherine Medlock (The Nature Conservancy)	...the steepness of the slopes in this area [Ricker Mountain (Compartment 214 Stands 13,15,20,26)] should be avoided...	PC8
	...I strongly recommend that [restoration of stands of white pine in the Devil's Kitchen and Devil's Kitchen Ridge Area] be included in the final assessments... From an ecological perspective, it is one of the areas most in need of restoration in the entire watershed.	PC11
	...strongly encourage the Forest Service to close the road leading to [Compartment 218, Stand 10] by whatever means necessary.	PC7
	We encourage the Forest Service to consider drawing on their existing partnerships within the Fire Learning Network to implement [the Upper Paint Creek] burn in the safest way possible.	PC5
	TNC supports the efforts at Allen Gap Pond to provide favorable habitat for the Marsh Marigold.	PC5
	Several TNC staff have visited Cutshall Bog and discussed the possibilities for restoring the bog to a more natural condition. The best option would be removal or relocation of the road though the bog... we encourage the Forest Service to continue to pursue viable solutions in this area.	PC13

<sup>1</sup> The Paint Creek Project scoping letter dated April 24, 2013 from the Southern Environmental Law Center included the following signatories:

Sarah A. Francisco  
Southern Environmental Law Center

Sam Evans  
Southern Environmental Law Center

Hugh Irwin  
The Wilderness Society

Catherine Murray  
Cherokee Forest Voices

Ben Prater  
Wild South